REMARKS

Claims 1-21 are pending in the present application; all claims have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lavine (U.S. Pub-2001/0049596) in view of Liles (U.S. 5,880,731).

With respect to Claim 1, the Examiner maintains that Lavine teaches an emoticon input method in a mobile terminal, citing paragraph 17, comprising the steps of entering an emoticon input mode, citing paragraphs 38 and 40, displaying stored emoticons in an emoticon input mode, citing Figs. 2 and 3, the abstract and paragraph 50, and finally selecting an emoticon, citing paragraphs 41-42 and 50.

Lavine, however, does not teach or suggest any of those limitations at any of the cited passages. Lavine teaches a process to *convert* text to animation. Text is simple characters forming words forming a sentence. Animation is a moving graphic or picture, i.e., a cartoon. Some examples set forth in Lavine include the text message "Let's meet in Paris" being *converted to an animation* with a background of the Eiffel Tower, and "Let's have tea in London" triggering "... an animation with Big Ben in the background, and a teacup as a prop ..." (par 0057).

An emoticon, by definition, is an *icon* that conveys an emotion. An icon is an image, a picture – a *static* image – that does not move. Emoticons are typically made by punctuation marks and symbols. For example, a colon next to a closed parenthesis is a smiley face, :) and a colon next to an open parenthesis is a frown, :(

An emoticon is a set of punctuation marks, text, and/or symbols that create an icon to convey emotion. Animation is a moving picture. The two are completely different; emoticons are a form of communication; animation is a form of art and entertainment that *may* be used to communicate.

As such, Lavine does not teach an emoticon input method in a mobile terminal in paragraph 17, which summarizes the process of "Generating animation from text..." With emoticons, animation is not generated at all; the emoticon *is* the text and the text *is* the emoticon.

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Lavine also fails to teach entering an emoticon input mode in paragraphs 38 and 40, which discuss matching a pattern (text string) to a concept. The concept is then used to generate the animation. Using the previous example, "London" is matched to the concept of Big Ben, and "Paris" to the Eiffel Tower. Emoticons *are* a text string and the present invention does not manipulate, convert, or match them to anything.

Liles does nothing to bolster the Examiner's position; that reference is essentially the same as Lavine, but provides avatars. Avatars are animated in accordance with a chat participant's input. Without emoticons, Liles also fails to teach any element of the recited claims. In any event, Liles does not cure the deficiencies of Lavine.

Applicant, therefore, respectfully submits that Claim 1 is allowable over the cited combination of references and further, respectfully requests that its rejection be withdrawn.

Without conceding their patentability *per se*, Claims 2-9 should also be allowable for depending on an allowable base claim.

Claim 10 recites grouping a plurality of emoticons, entering an emoticon mode, displaying the stored emoticon groups, and selecting an emoticon group, among other limitations. Claim 16 also recites steps involving the formation, storing and selection of emoticons. Without any teaching of emoticons, the cited references cannot render Claims 10 and 16 unpatentable.

Applicant, therefore, respectfully submits that Claims 10 and 16 are also allowable over the cited combination of references and further, respectfully requests that their rejections be withdrawn as well.

Without conceding their patentability *per se*, Claims 11-15 and 17-21 should also be allowable for depending on an allowable base claim.
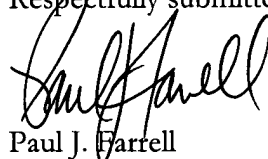
Despite the fact that Lavine is not relevant to the emoticon input method of the present invention, Applicant would like to point out the lack of support in the Lavine provisional application for the components in the Lavine utility application. For the Examiner's convenience and reference, a copy of the Lavine provisional application (60/207,791) is attached.

The Lavine provisional application discusses the tools used to turn plain text into computer generated animation. A Phrase Translator looks for matches between original text and certain phrases, or keywords, in a Phrase-Template Library. For example, "Happy Birthday" would relate to the keyword "eBirthday". The resulting keyword is used to select corresponding graphics and sound to create the animation. A Word Translator processes the plain text to find matching images and video. A Word Filter removes unnecessary words; a Plural to Singular component changes all plural nouns to their singular form; and, a Language Translator translates the plain text to English. The result is a collection of English words that are relevant to the search for animation images and sound in the database.

Therefore, only the limited elements of the Phrase Translator and the Word Translator can claim the benefit of the provisional application filing date. The elements the Examiner relies on, therefore, are not supported by the Lavine provisional application, and as such, can only be afforded the May 30, 2001 filing date, which is after the priority date of the present invention, December 16, 2000.

Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, the Examiner is respectfully requested to contact Applicant's attorney at the number indicated below.

Respectfully submitted,

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